

Kleppinger, Jeffery

From: Greifzu, John <John.Greifzu@ftr.com>
Sent: Thursday, October 15, 2015 7:17 PM
To: Yackulic, Ted
Cc: Hahn, John S.
Subject: RE: Pre-Remedial Design Negotiations Housekeeping

Ted,

Mark Nielsen forwarded me your email below. Please send future correspondence to Frontier about the Quendall site to me, and Frontier's counsel, John Hahn (copied). In addition, would you please forward us the October 8, 2015 email (with attachments) that started this chain. We will respond substantively after we have had a chance to review the materials.

Thanks for your attention to this.

Regards,

John

John M. Greifzu, Jr.
Associate General Counsel
Frontier Communications
401 Merritt 7
Norwalk, CT 06851
203-614-5040 (o)
203-219-9660 (c)
John.Greifzu@ftr.com

Begin forwarded message:

From: "Yackulic, Ted" <yackulic.ted@epa.gov>
Date: October 15, 2015 at 8:02:45 PM EDT
To: "Manolopoulos, Lynn" <lynnmanolopoulos@DWT.com>, Jim Hanken <jhanken@wpblaw.com>, James Benedict <jbenedict@cablehouston.com>, "hgrant@Riddellwilliams.com" <hgrant@Riddellwilliams.com>, "jenniferm3@atg.wa.gov" <jenniferm3@atg.wa.gov>, "wells@tmw-law.com" <wells@tmw-law.com>, "Mesevage, Thomas" <TMesevage@Vertellus.com>, "mark.nielsen@ftr.com" <mark.nielsen@ftr.com>
Cc: "Hong, Claire" <Hong.Claire@epa.gov>
Subject: RE: Pre-Remedial Design Negotiations Housekeeping

I writing to address a couple of issues. One regards the timing of the November 10 meeting, and the other is housekeeping issue.

In regards to timing, EPA has been asked to move the November 10 meeting from a 10 am start to a 2 pm start to accommodate travel from the east coast and I want to make sure everyone is available from 2 pm to 5 pm on November. Please let me know if are available for a 2 pm start. In the meantime, EPA will assume we are meeting at 2 pm on the 10th of November.

In regards to housekeeping, not all of the letters EPA sent to initiate pre-remedial design negotiations for the Quendall Site noted that EPA was initiating the negotiations pursuant to the special negotiations procedures of CERCLA Section 122(e). So I am writing to clarify that EPA is using these procedures and is providing you until December 4, 2015 to provide EPA with a good faith offer. In addition, consistent with Section 122(e) EPA will not commence actions under 104(a) related to the pre-remedial studies until January 19, 2015 (a little more than 90 days after the letter were sent to you).

Let me know if you have any questions related to this email or the Site, and I apologize for the confusion.

Ted Yackulic, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-1218
yackulic.ted@epa.gov

From: Yackulic, Ted
Sent: Thursday, October 08, 2015 4:34 PM
To: Manolopoulos, Lynn; Jim Hanken; James Benedict; hgrant@Riddellwilliams.com; jenniferm3@atg.wa.gov; wells@tmw-law.com; Mesevage, Thomas
Cc: Hong, Claire
Subject: Pre-Remedial Design Negotiations

Counsel,

Attached are copies of the draft ASAO for pre-remedial design at the Quendall Terminals Superfund Site, statement of work, and cover letters that were sent to you clients yesterday. Note that I have provided you with two word versions of the draft ASAO. The version dated 10/7/15 was sent to your clients. The 10/8/15 version represents the negotiating position of EPA. It includes a slightly different definition of future response costs than does the pdf version and provides for the recovery of the costs EPA incurs negotiating the ASAO in addition to costs related to the implementation of the pre-remedial design studies. I apologize for the confusion. Note that EPA requests that you provide a good faith offer within 45 days of your receipt of this letter and requests that you attend a meeting on November 4, 2015 at EPA's office in Seattle to discuss this matter. Please feel free to contact me with any questions. Thanks.

Ted Yackulic, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-1218
yackulic.ted@epa.gov